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Dep & Ref. No. 307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

US PATENT & TRADEMARK OFFICE
REFUND BRANCH
2004 MAR 31 PM 1:03

EXAMINER : 1648
EXAMINER : B. Q. Li
APPLICANT : GERD HOBOM ET AL.
APPLN. NUMBER : 10/073,377
FILED : February 8, 2002
FOR : INFLUENZA VIRUS WITH ENHANCED TRANSCRIPTIONAL AND REPLICATIONAL CAPACITIES

Commissioner for Patents
Refund Section, Accounting Division
Office of Finance
P.O. Box 1450
Arlington, VA 22313-1450

**REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account No. 14-1263, for the above identified patent application.

II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

		Refund Requested
<input type="checkbox"/>	Filing fee	
<input type="checkbox"/>	Surcharge for filing the basic filing fee later than the filing fee of the application (37 CFR 1.155)	
	and/or	
<input type="checkbox"/>	Surcharge for filing the oath or declaration later than the filing date of the application (37 CFR 1.156)	
<input type="checkbox"/>	Extension of the term for first month	
<input type="checkbox"/>	Excess Claims	
<input type="checkbox"/>	Issue Fee	

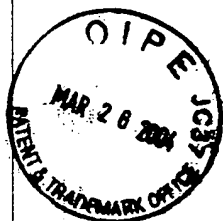
<input type="checkbox"/>	Petition Fee		STATUS AND ENTITY BRANCH
<input checked="" type="checkbox"/>	Other- 3-month extension of time	\$ 475.00	
TOTAL AMOUNT REQUESTED			2004 MAR 31 PM 1:03
		950-475- \$475.00	

III. EXPLANATION OF WHY CONTINUED CHARGE IS IN ERROR

The response to Office Action dated September 24, 2004 required only a small entity fee of \$475.00 for the 3-month extension of time. A copy of the 3-month extension of time filed on January 23, 2004 claiming small entity status is submitted herewith.

IV. MANNER OF REFUND

Please make refund by crediting Deposit Account No. 14-1263.



Respectfully Submitted,

[Signature]
 David D. Kim
 No. 53,123

Norris, McLaughlin & Marcus P.A.
 220 East 42nd Street, 30th Floor
 New York, N.Y. 10017
 Telephone: (212) 808-0700
 Telecopier: (212) 808-0844

Enclosure: Copy of Petition for Extension of Time

CERTIFICATE OF MAILING

I hereby certify that this correspondence and three copies of Petition for Extension of Time are being deposited with the United States Postal Service at first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

Date: March 23, 2004

[Signature]
 Jeanne Acker

PETITION FOR EXTENSION

CERTIFICATE OF FACTS

David D. Kim

MAR 31 PM 1:03
February 8, 2002

Abstract

○ 庭

The requested extension and appropriate nonfinancial costs are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ _____
☐ Two months (37 CFR 1.17(a)(2)) \$ _____
☒ Three months (37 CFR 1.17(a)(3)) \$ 950.00
☐ Four months (37 CFR 1.17(a)(4)) \$ _____
☐ Five months (37 CFR 1.17(a)(5)) \$ _____

- ☒ Applicant claims small entity status. See 37 CFR 1.101. Therefore, the fee amount shown above is reduced by one-half the normal fee to \$125.00.
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-500 is attached.
- ☐ The Commissioner has already been informed to charge fees in this application to a Deposit Account.
- ☒ The Commissioner is hereby authorized to credit any fees which may be required, or credit any overpayment, to Deposit Account Number 14-1263.
- I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor

- ☐ assignee of record of the assignment under Section 37 CFR 1.301.
Statement under 37 CFR 1.306) if section 4. (Form PTO/SB-96)
- ☐ attorney or agent of record.
- ☒ attorney or agent under 38 USC 511(a).
Registration number [redacted] 7/2001 400-71123

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January 23, 2004

Date _____

(212) 808-0700

Telephone Number

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

David D. Kim

Types of sealed bids

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 100725-14
CERTIFICATE OF FACSIMILE TRANSMISSION		
I hereby certify that this Petition for Extension of Time is being transmitted via facsimile to the United States Patent and Trademark Office on the 23 rd day of January, 2004. <i>David D. Kim</i> David D. Kim		In re Application of Gerd Hobem et al Application Number 10/ 073,377 Filed February 8, 2002 For Influenza Viruses with Enhanced Transcriptional and Replication Capacities Art Unit 1648 Examiner B.Q. Li
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.		
The requested extension and appropriate non-small-entity fee are as follows (check time period desired):		
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____	
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____	
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ 950.00	
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____	
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.26. Therefore, the fee amount shown above is reduced by one-half the resulting fee is: \$ 475.00.		
<input type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account.		
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 14-1263.		
I have enclosed a duplicate copy of this sheet.		
I am the <input type="checkbox"/> applicant/inventor		
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).		
<input type="checkbox"/> attorney or agent of record.		
<input checked="" type="checkbox"/> attorney or agent under 37 CFR 1.34(a): Registration number if acting under 37 CFR 1.34(a) 53,123		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
January 23, 2004 Date		
(212) 808-0700 Telephone Number		
<i>David D. Kim</i> Signature		
David D. Kim Typed or printed name		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

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This collection of information is required by 37 CFR 1.136(a). This information is required to enable or make a benefit by the public which is in the form by the USPTO to process an application. Confidentiality is provided by 38 U.S.C. 123 and 37 CFR 1.14. This collection is subject to the 6 criteria to collect, including gathering, preparing, and submitting the completed application form to the USPTO. Time will be spent on the form of the individual case. Any comments on the amount of time you are required to complete this form under the guidelines for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT AGREE WITH OR CONSENT TO THIS ADDRESS. SEND TO: Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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01 FC:1253 950.00 DA

Adjustment date: 04/09/2004 SDIRETA1
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01 FC:1253 950.00 CR

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